

Application No. 10/509,533

Restriction Requirement dated June 15, 2007

Response to Restriction Requirement mailed July 10, 2007

RECEIVED
CENTRAL FAX CENTER

JUL 10 2007

Listing of the Claims:

This listing of the claims replaces all the prior versions and listings of the claims.

1. (ORIGINAL) A method of prolonging expression of a heterologous gene in a cell transduced with a vector encoding the heterologous gene comprising
 - a) transducing the cell with a vector encoding an apoptosis inhibiting agent.
2. (ORIGINAL) The method of claim 1, wherein the heterologous gene encodes a prodrug activating enzyme.
3. (ORIGINAL) The method of claim 2 further comprising contacting the transduced cell of step a) with a prodrug.
4. (ORIGINAL) The method of claim 3, wherein the cell is a neoplastic cell.
5. (ORIGINAL) The method of claim 4, wherein the apoptosis inhibiting agent is a caspase pathway inhibiting agent.
6. (ORIGINAL) The method of claim 5, wherein the caspase pathway inhibiting agent is selected from the group consisting of p35, p49, CrmA, XIAP, hIAP1, hIAP2, Naip, Bruce, Survivin, pIAP, CiIAP, OpIAP/CpIAP/AcIAP, ASFIAP, DIAP1, DIAP2, CeIAP1, CeIAP2, SpIAP, ScIAP, Bcl-2, Bcl-XL, and McI-1.
7. (ORIGINAL) The method of claim 3, wherein the prodrug activating enzyme is selected from the group consisting of cytochrome P450, NADPH-P450 reductase, thymidine kinase, cytosine deaminase, nitroreductase, thymidine phosphorylase, purine nucleoside phosphorylase, alkaline phosphatase, carboxypeptidase A, carboxypeptidase G2, linamarase, beta-lactamase, xanthine oxidase, guanine phosphoribosyl transferase (GPT), deoxycytidine kinase, uracil phosphoribosyltransferase, carboxylesterase, and folypolyglutamate synthetase.
8. (ORIGINAL) The method of claim 3, wherein the prodrug is selected from the group consisting of cyclophosphamide (CPA) and other P450 prodrugs including bioreductive agents activated by P450 and/or NADPH-P450 reductase; ganciclovir, acyclovir and their analogs; 5-fluorocytosine; CB1954 and other aromatic nitro prodrugs; 5'-deoxy-5-fluorouridine; 6-methylpurine-2'-deoxynucleoside; etoposide phosphate; methotrexate-(phenyl)alanine; benzoic acid mustard-glucuronide; amygdalin; cephalosporin-mustard carbamate; xanthine; 6-thioxanthine; cytosine arabinoside; 5-fluorouracil; irinotecan (CPT-11); edatrexate.

Application No. 10/509,533

Restriction Requirement dated June 15, 2007

Response to Restriction Requirement mailed July 10, 2007

9. (ORIGINAL) The method of claim 3, wherein the prodrug activating enzyme is cytochrome P450 and the prodrug is cyclophosphamide or ifosfamide.
10. (ORIGINAL) The method of claim 9, wherein the prodrug-activating cytochrome P450 enzyme is selected from the group consisting of CYP 1A1, 1A2, 1B1, 2A6, 2B1, 2B6, 2B11, 2C3, 2C5, 2C6, 2C7, 2C8, 2C9, 2C11, 2C18, 2C19, 3A1, 3A2, 3A3, 3A4, 3A5 and 3A7.
11. (ORIGINAL) A method of increasing the concentration of a chemotherapeutic drug in, or in the vicinity of, a target cell in a mammal in need thereof comprising the steps of:
- a) transducing the target cell with a first vector comprising a nucleic acid encoding a prodrug activating enzyme;
 - b) transducing the target cell with a second vector comprising a nucleic acid encoding an apoptosis inhibiting agent; and
 - c) subjecting the mammal to a prodrug that is activated by the prodrug activating enzyme of step a).
12. (ORIGINAL) The method of claim 11, wherein the target cell is a neoplastic cell.
13. (ORIGINAL) A method of increasing the concentration of a chemotherapeutic drug in, or in the vicinity of, a target cell in a mammal in need thereof comprising the steps of:
- a) transducing the target cell with a vector comprising a nucleic acid encoding a prodrug activating enzyme and a nucleic acid encoding an apoptosis inhibiting agent; and
 - b) subjecting the mammal to a prodrug that is activated by the prodrug activating enzyme of step a).
14. (PREVIOUSLY PRESENTED) The method of claim 11, wherein the apoptosis inhibiting agent is expressed under control of a regulatable promoter.
15. (PREVIOUSLY PRESENTED) The method of claim 1, wherein the vector comprising a nucleic acid encoding an apoptosis inhibiting agent further comprises a factor that promotes apoptosis expressed under control of a regulatable promoter.
16. (ORIGINAL) The method of claim 15, wherein the factor that promotes apoptosis is selected from the group consisting of Smac/Diablo a caspase, p53, Bax, Bak, Bcl-Xs, Bad, Bik, Bid, apoptosis inducing factor, and anti-sense or siRNA directed against the apoptosis inhibiting agent, an IAP or other anti-apoptotic factor.

Application No. 10/509,533

Restriction Requirement dated June 15, 2007

Response to Restriction Requirement mailed July 10, 2007

17. (PREVIOUSLY PRESENTED) The method of claim 11, wherein the vector comprising a nucleic acid encoding an apoptosis inhibiting agent further comprises a death receptor ligand expressed under control of a regulatable promoter.
18. (ORIGINAL) The method of claim 17, wherein the death receptor ligand is selected from the group consisting of TNF α , Trail and Fas ligand.
19. (ORIGINAL) The method of claim 1, wherein the heterologous gene encodes a soluble, or secretable, therapeutic factor.
20. (ORIGINAL) The method of claim 19, wherein the therapeutic factor has anti-angiogenic, cytotoxic or immune modulatory activity.
21. (PREVIOUSLY PRESENTED) The method of claim 19, wherein the cell is a neoplastic cell.
22. (ORIGINAL) The method of claim 20, wherein the factor is selected from the group consisting of endostatin, angiostatin, VEGF receptor antibody, VEGF receptor-derived ectodomain, 16 kd prolactin fragment, platelet factor 4 and antibody, anti-sense agents or siRNA directed against angiogenic factors, the tumor necrosis factor superfamily, including TNF α , Fas ligand and Trail, a cytokine, interferon α , interferon β and interleukin 12.
23. (ORIGINAL) A method of increasing the concentration of a soluble or secretable therapeutic factor in a target cell, in a mammal in need thereof comprising the steps of:
 - a) transducing the target cell with a vector comprising a nucleic acid encoding a soluble, or secretable, factor and a nucleic acid encoding an apoptosis inhibiting agent.
24. (ORIGINAL) A method of increasing the concentration of a soluble or secretable therapeutic factor in the vicinity of a target cell in a mammal in need thereof comprising the steps of:
 - a) transducing the target cell with a first vector comprising a nucleic acid encoding a soluble, or secretable, therapeutic factor; and
 - b) further transducing the target cell with a nucleic acid encoding an apoptosis inhibiting agent, wherein said nucleic acid encoding and apoptosis inhibiting agent can be present in the first vector or in a separate vector.
25. (PREVIOUSLY PRESENTED) The method of claim 23, wherein the soluble, or secretable therapeutic factor has anti-angiogenic, cytotoxic or immune modulatory activity.

Application No. 10/509,533

Restriction Requirement dated June 15, 2007

Response to Restriction Requirement mailed July 10, 2007

26. (ORIGINAL) The method of claim 25, wherein the soluble or secretable therapeutic factor is selected from the group consisting of endostatin, angiostatin, VEGF receptor antibody, VEGF receptor-derived ectodomain, 16 kd prolactin fragment, platelet factor 4 and antibody or anti-sense agents or siRNA directed against angiogenic factors, the tumor necrosis factor superfamily, including TNF α , Fas ligand and Trail, a cytokine, interferon α , interferon β and interleukin 12.
27. (PREVIOUSLY PRESENTED) The method of claim 23, wherein the apoptosis inhibiting agent comprises a death receptor inhibitory molecule.
28. (ORIGINAL) The method of claim 27, wherein the death receptor pathway inhibitory molecule is selected from the group consisting of Fas-associated death domain-like ice inhibitory proteins (vFLIPs and cFLIPs), death receptor decoy receptors (DcR's), and dominant-negative Fas-associated death domain proteins (FADDs).
29. (ORIGINAL) A method for enforcing vector spread in a host containing a vector encoding an heterologous gene comprising administering a replicating vector encoding an apoptosis inhibiting agent.
30. (ORIGINAL) A method for enforcing vector spread in a host containing a vector encoding an heterologous gene comprising administering a replicating vector encoding an apoptosis inhibiting agent.
31. (PREVIOUSLY PRESENTED) The method of claim 13, wherein the apoptosis inhibiting agent is expressed under control of a regulatable promoter.
32. (PREVIOUSLY PRESENTED) The method of claim 13, wherein the vector comprising a nucleic acid encoding an apoptosis inhibiting agent, further comprises a factor that promotes apoptosis expressed under control of a regulatable promoter.
33. (PREVIOUSLY PRESENTED) The method of claim 13, wherein the vector comprising a nucleic acid encoding an apoptosis inhibiting agent further comprises a death receptor ligand expressed under control of a regulatable promoter.
34. (PREVIOUSLY PRESENTED) The method of claim 20, wherein the cell is a neoplastic cell.
35. (PREVIOUSLY PRESENTED) The method of claim 24, wherein the soluble, or secretable therapeutic factor has anti-angiogenic, cytotoxic or immune modulatory activity.
36. (PREVIOUSLY PRESENTED) The method of claim 24, wherein the apoptosis inhibiting agent comprises a death receptor inhibitory molecule.